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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,920	01/20/2004	Vincent Piel	500110459-2	4097

7590 09/27/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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PATEL, NIRAV B

ART UNIT	PAPER NUMBER
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2135

MAIL DATE	DELIVERY MODE
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09/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/761,920

Applicant(s)

PIEL, VINCENT

Examiner

Nirav Patel

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's amendment filed on July 16, 2007 has been entered. Claims 1-17 are pending. Claims 1, 9, 10, 11, 12 and 17 are amended by the applicant.

2. The Office would like to notify the Applicant that there has been a change in Examiner to conduct the future examination and prosecution processes of the currently pending application.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herzi (US 6,484,262) and in view of Hamamoto et al (US Pub. No. 2002/0000913).

As per claims 1, 10, 11, 12 and 17, Herzi teaches a component, a BIOS and a firmware element for a computer, the component, BIOS comprising a firmware element operable to perform a security check to verify the computer is connected to an authorised network, the security check comprising the steps of (Abstract, Figs 1-3 and associated texts):

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generating a random number, encrypting the random number with a public key of a public/private key pair associated with the network, transmitting the encrypted random number to a network device via the network (col. 4, lines 58-64, col. 5, lines 15-25), receiving a response comprising a number from the network device (col. 4, line 65 through col. 5, line 7), and permitting operation of at least a subsystem of the computer if the response is in accordance with the random number, the step of permitting operation of at least a subsystem of the computer if the response is in accordance with the random number comprises comparing the random number transmitted to the network device with the number in the response and permitting operation if the number in the response matches the random number transmitted to the network device (col. 5, lines 8-15).

Herzi teaches that the security check is performed is implemented upon every boot of the particular computer system or at regular intervals of times etc. as established for a given security policy. Herzi doesn't expressively mention that the security check is performed when the computer is detected to have been in an unpowered state.

Hamamoto teaches the security check is performed when the computer is detected to have been in an unpowered state since a previous security check [paragraph 0006].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Hamamoto with Herzi to perform the security check even if the computer is detected in an unpowered state, since one would have been

motivated to improve the reliability for the security of the computer/machine even if the computer/machine itself has been stolen (or unpowered) [paragraph 0005].

As per claims 2 and 13, Herzi teaches a component and a computer according to claims 1 and 12 respectively, wherein the firmware element comprises a BIOS (col. 3, lines 18-34)

As per claims 3 and 14, Herzi teaches a component and a computer according to claims 2 and 13 respectively, wherein the firmware element is operable to perform a security check as part of a boot process (col. 2, lines 56-64, col. 3, lines 64-67).

As per claims 4 and 15, Herzi teaches a component and a computer according to claims 2 and 13 respectively, wherein the firmware element is operable to prevent operation of the computer if a valid response is not received (col. 5, lines 37-46).

As per claims 5 and 16, Herzi teaches a component and a computer according to claims 2 and 13 respectively wherein the BIOS comprises a boot block and wherein the firmware element is stored in the boot block (col. 2, lines 56-64).

As per claim 6, Herzi teaches a component according to claim 1 wherein the firmware element comprises a controller for a peripheral (col. 3, lines 53-63, i.e. without authorization, the BIOS of the computer system halts all practical operation of the computer system).

As per claim 7, Herzi teaches a component according to claim 6 wherein the firmware element is operable to perform a security check in response to a transition to

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an operating state (col. Col. 2, lines 58-61, i.e. security measure is implemented by the processor prior to booting up of the operating system).

As per claim 8, Herzi teaches a component according to claim 6 wherein the firmware element is operable to prevent operation of the peripheral if a valid response is not received (col. 3, lines 53-63, i.e. without authorization, the BIOS of the computer system halts all practical operation of the computer system).

As per claim 9, Herzi teaches a component according to claim 6 wherein a network enquiry to verify the computer is connected to the authorised network is transmitted to BIOS of the computer for transmission to the network device (col. 3, lines 19-21, where the security measure of the BIOS enables the processor 20 to communicate an authentication request to the prescribed network server 14).

#### **Response to Amendment**

4. Applicant has amended claims 1, 9, 10, 11, 12 and 17 which necessitated new ground of rejection. See rejection above.

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Buttimer (US 4945341) – Alarm system for electrical device

Greaves et al (US 6185688) – Method for controlling security of a computer removably coupled in a network

Nguyen et al (US 6772366) – Method and apparatus for detecting AC removal

Stockdale (US 6773348) – battery powered gaming machine security monitoring system

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

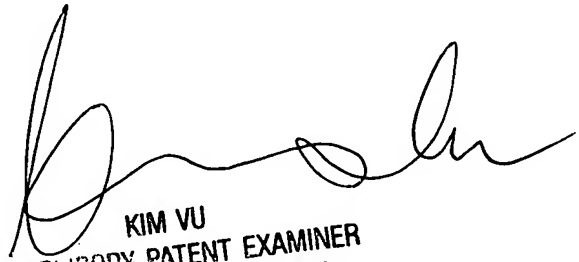
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

*NBP*

9/21/07



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100